WHAT, WHY & HOW?

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Article: 1

# POLITICO-SOCIO-ECONOMIC SYSTEM OF
# KHILAFAH IN PAKISTAN
## WHAT, WHY AND HOW?

**A written statement given by : Dr. Israr Ahmad**
on September 1991 in a Press Conference at the Karachi Press Club. With this statement, the movement of Tehreek-e-Khilafat was launched in Pakistan.
***Penned down ten years ago, this statement is now an historical document serving as the manifesto of the Tehreek.***

*In the name of Allah, Most Gracious, Most Merciful.*

### PAKISTAN'S FOUNDATION AND ITS OBJECTIVE

It is an undeniable historical fact that India was partitioned on the basis of two-nation theory and Pakistan was established on the basis of Muslim nationhood and in the name of Islam. Indeed, Allama Iqbal – the visualizer and ideologue of Pakistan – in his address at Allahabad in 1930 had visualized the establishment of a separate state for Muslims consisting of the North-Western area of the Indian Subcontinent with the main objective that Muslims of India, by removing the curtain that had screened Islam's magnificent system of social justice and equity during the long period of monarchy in Muslim lands, get an opportunity to re-establish the original Islamic system of political, economic and social justice which the most important manifestation of the Holy Prophet's (SAW) universal mercy and blessing. In so doing, they would provide a lighthouse of guidance and peace for the whole mankind. Similarly Quaid-i- Azam Muhammad Ali Jinnah – the founder and architect of Pakistan – also demanded a separate homeland for Indian Muslims, so that they could present before the contemporary world a concrete demonstration of Islamic principles of human freedom, fraternity and equality.

### OUR SHORTCOMINGS AND SHORTSIGHTEDNESS

We regret to say, however, that in spite of the fact that by the lunar calendar nearly forty six years have passed since Pakistan was established and even by the solar calendar Pakistan is in the forty fifth year of its age, no real progress has as yet been made towards achieving the envisaged goal. We are very faithfully clinging to the same political, economic and social structure that we inherited from the British. And to further aggravate the situation, some semi-religious and semi-political parties in Pakistan have made the demand of promulgation of Shariah laws the gamut of their political activity but did not emphasize in the right earnest to uproot and abolish the degenerate politico-economic system which is the real cause of oppression, exploitation and despotism in the country. The fact is that until the entire system is changed radically, blessings of even the best of Shariah laws will not be evident and visible!

### LEGACY OF THE BRITISH RAJ

The political and economic system inherited from the British Raj has throughout been kept intact; not only in the over all system, but in matters of social and communal values also we are strictly maintaining status quo. Both in practice and thought we

exhibit the same old slavish mentality. The system to which we are sticking in the political governance of our homeland has the following important features: -

(1) Territorial Nationalism i.e. the concept of nationalism that was born of Western secularism and on whose absolute negation Pakistan movement was launched.

(2) Parliamentary Democracy, the initial training of which was imparted to us by our English rulers.

(3) The names and boundaries of the provinces demarcated by the British for their administrative expediency and which we consider not only permanent and everlasting but also sacrosanct.

(4) The banking system on which all our industry and trade, in fact our entire economy is based, is contaminated to this day by the filth of interest. As a result the entire nation and the country is, in the words of the Quran at war with Allah and His Messenger (SAW)

(5) Accursed evils of gambling, speculation and lottery declared by Quran as "an abomination of Satan's handiwork" ( ) are rampant.

(6) The system of feudalism and absentee landlordism, the worst and most abhorred form of oppression and usurpation and which has basically not changed at all in spite of the so-called land reforms introduced twice.

(7) Mixed (non-segregated) social living that debased the West as far as modesty, chastity and purity are concerned. It destroyed the domestic peace and confounded the family structure. And this thing is such that it did not take roots in our society even during the British rule to the extent it is now in vogue and is increasing by leaps and bounds every day.

(8) The distinction between the 'tribal' and 'settled' areas in the N.W.F.P. is still continuing.

## KHILAFAT MOVEMENT AND DEFENCE OF PAKISTAN

This scenario of Pakistan calls for a total change in the entire socio-political fabric and the establishment of Islamic system of social justice is urgently needed. This can only be achieved by launching a mass movement and by staking and sacrificing all that the aspirants of Islamic revival have got at their disposal. The system of socioeconomic justice just referred to can be summed up as the system of Caliphate ( ) and about which the thinker and visualizer of Pakistan said:

This in fact was the real purpose of establishing Pakistan and only this can ensure her existence and stability. It is because of deviation from this very cause that the Muslim nation of Pakistan got divided into different regional, ethnic and linguistic nationalities. Thus breaking our vow with Allah and on account of our disloyalty, divine punishment whipped us in 1971. Even now if we do not move towards the real objective of Pakistan, divine punishment could whip us again any time and would whip us more severely. Hence for the defence of Pakistan while it is also imperative that we strengthen our defence forces and procure, as much as we can, all kinds of weaponry and armament and do not abandon our atomic program, as well as sign formal defence pacts with friendly countries, especially China, and continue efforts for reconciliation and understanding with India. Pakistan's real defence, however depends on our introducing and establishing in the country the system of Caliphate in its totality

so as to qualify for Allah's help and protection as Ayah 38 of *Surah Al-Hajj* says "*verily God will defend those who believe*"
( ).

## FEATURES OF CALIPHATE SYSTEM

Obviously, for the Caliphate system just a change of title or label is not enough; rather it needs complete revolution that would come about through sacrifice of wealth and lives and which requires a strong popular movement and revolutionary struggle. However, when this revolution comes about and Caliphate system is established, its prominent features will be as follows: -

(1) The pledge to Allah Ta'ala's absolute sovereignty is already there in the "Objective Resolution" which is now an integral part of the constitution of the Islamic Republic of Pakistan. However, for its practical implementation it is imperative to have unconditional superiority, without any exception, of Quran and "Sunnah" over the system as well as the law. In this regard the following unconditional and unambiguous clarification is necessary. While new compilation of the Islamic laws and attempts at new legislation ( ) will be processed through the legislative assembly or Majlis-e-Shoora, as Allama Iqbal has said in his famous lectures, the superior courts of the country will have the authority to declare any law null and void that they consider contrary to the limits, totally or partially, set down by the Quran and Sunnah.

(2) Negation of Mixed Nationality, as a result of which only Muslims will take part in the process of legislation. Though every adult Muslim male and female would have the right of vote for the legislative assembly, only Muslim males, whose character is above board, will be able to participate in the elections as a candidate. As for the non-Muslims, full responsibility will be accepted regarding protection of their life and property as well as respect and honour. In addition they will be guaranteed complete freedom in their personal laws as well as religious rites and rituals.

(3) Muslims of the entire country will elect the Caliph by direct franchise. The Caliph will not have to depend on the majority of the legislative assembly or the "Majlis-e-Milli" or the "Majlis-e-Shoora" but like the current well known presidential system in many countries, he will be given, for a specific period, wide administrative powers.

(4) To end the curse of provincialism and regionalism and to provide the public with greater administrative facilities, provinces will be divided into smaller units and they will be given maximum autonomy an administrative powers. For this purpose the present divisions could be granted the status of provinces or it can be decided that keeping in view the geographic, linguistic or cultural factors, provinces may be constituted in such a way that no province would have a population of more than ten million!

(5) Cleansing the economy by complete elimination of interest and gambling. And in its place shaping a new commercial and industrial structure based on the principles of partnership and "Mudaraba".

(6) A complete new land settlement, based on the judgement of Hazrat Umar (Allah be pleased with him) to the effect that territories won by Muslims at any time in war are not "Ushri" lands i.e. individual property but are "Kharajee" i.e. collective property whose cultivators, whether Muslims or non-Muslims, pay the revenue directly to the government. This would not only completely eliminate the feudalism and absentee landlordism but would also generate so much revenue that it would obviate many a taxes.

(7) Implementation of Zakat in full i.e. collection of two and a half percent on the aggregate value of the total merchandise from all the Muslims. This would ensure the complete structure of social security and guarantee the basic necessities, like food, clothing and shelter, plus education and Medicaid for every citizen. The non-Muslim citizens will pay corresponding taxes.

(8) Complete legal equality for all. The Caliph of the Muslims and anyone else including the members of "Majlis-e-Milli" or "Majlis-e-Shoora" would not have any legal immunity or any privileges. However in order to take effective measures against evil monger's mischief and slander, harsh penal laws on the lines of penalty for calumny( ) would be promulgated.

(9) Implementation of harsh penal laws for abolition of liquor, narcotics and other intoxicants.

(10) Free intermixing of the sexes will be prohibited and in principle separate areas of activity will be determined for men and women. Men and women will have separate educational institutes, hospitals, etc. and the segregation of sexes will be upheld in every facet of social life. Cottage industry will be introduced and if need be, industrial units will be established where only ladies would be workers as well as supervisors. Their work hours too would be short compared to hours for men. Moreover, for protection of chastity and honour and for the sake of purity of eyes and heart, Islamic injunctions regarding modest dress code and veil ( ) will be strictly implemented.

## PRACTICAL WAY AND METHODOLOGY

Obviously, these colossal, all-embracing and basic changes are not possible by political process and elections because by such process an established system can be run or at best partially improved but can not be changed. Nor is this possible by fragmentary and gradual reformation as it can bring about only superficial, not fundamental, change. This change can come about through complete revolution for which a revolutionary party is essential, whose adherents enforce the Islamic injunctions on themselves and wherever they have jurisdiction especially their homes. Subsequently, they should unite and be welded into a real revolutionary group and should be willing to sacrifice in an organized and strictly disciplined way all they have for the cause of Islam. (Hence as an humble endeavor in this regard Tanzeem-e-Islami has been organized). However, as a pre-requisite it is essential that exposition of the wisdom and special features of the Caliphate system is made on a large scale so that a great number of people realize it to be an effective positive alternative and panacea for their ills. Therefore, to meet this end, a movement for *Khilafat* in Pakistan is being launched and it is hoped that Muslims of Pakistan will join hands in great number for this noble cause.

## A CLARIFICATION AND AN ADVICE

In the end it is necessary to clarify that until the envisioned revolution takes place we forcefully endorse continuation of the present political and electoral process. And in no way do we support the second and the only other alternative i.e. Marshal Law which in our opinion is not less than a deadly poison for Pakistan. However, to people who earnestly desire Islamic Revolution or the establishment of *Nizam-e-Khilafat*, our advice and request is that they disassociate themselves completely from power politics and electioneering and dedicate all their energies to produce and strengthen that disciplined force which would challenge this spurious system. In religious terms it is " " i.e. to forbid indecency by hand, an obligation of all Muslims and for this they should be committed and disciplined enough to come out on the streets for peaceful demonstration and picketing. Only thus can they check and eradicate evils and vices.

## GLOBAL KHILAFAT FOR SURE !
## BUT THE STARTING POINT ?

On the authority of the Qur'an and Hadith-i-Rasool (SAW) we are absolutely certain that the above-mentioned Caliphate system would eventually get established all over the world. However what cannot be said with certainty is as to what part of the world would be fortunate enough to be chosen for its initiation. Although keeping in view the historical events of the last four hundred years it is strongly hoped that its starting point will be the God-given state of Pakistan. In any case it is the exigency of our belief and the call of our faith ( ) that we endeavor for it with all that we have got. I conclude with the prayer " Praise be to Allah (SWT) the Cherisher and Sustainer of the worlds",
( ).

Article: 2

# The Constitutional and Legislative Framework of the System of *Khilafah* in Modern Times

*In this article, we shall discuss the practical issues relating to the constitutional and legislative framework of a modern Islamic State, or the structure of the System of Khilafah in modern times.*

### Discourse on the System of *Khilafah* in the 20th Century

The establishment of *Hukumat-e-Ilahiyah* (i.e., God's Sovereignty) was the goal before Hizbullah, the short-lived Islamic revivalist party established by Maulana Abul Kalam Azad back in 1913. After the retreat of Maulana Azad, Dr. Abdul Sattar Khairi and Dr. Abdul Jabbar Khairi — the famous Khari Brothers — endeavored for some time to achieve the same goal. It is not clear whether these leaders had any clear framework of the envisioned *Hukumat-e-Ilahiyah* in their minds. Thus, although the basic principle was well-articulated, practical steps and concrete details regarding how the System of *Khilafah* will actually function probably remained vague and unclear.

The first individual to have systematically applied his intellectual genius in this matter and to have contributed his thoughts was none other than Allama Muhammad Iqbal. He not only explained and elaborated the concept of an Islamic State in his poetry but also presented his observations and opinions about it in his *Reconstruction of Religious Thought in Islam*. Iqbal has emphasized in his poetry that sovereignty belongs to Almighty Allah (SWT) alone, Who is the Supreme Ruler, and to nobody else. He has also referred to the concept of the vicegerency of man. In the sixth lecture of *Reconstruction*, entitled "The Principle of Movement in the Structure of Islam," Iqbal has made the following observation:

> *The republican form of government is not only thoroughly consistent with the spirit of Islam, but has also become a necessity in view of the new forces that are set free in the world of Islam. (p. 125)*

Concerning the issue of Ijtihad, Iqbal has said:

> *The growth of republican spirit and the gradual formation of legislative assemblies in Muslim lands constitute a great step in advance. The transfer of the power of Ijtihad from individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, is the only possible form Ijma' can take in modern times, will secure contributions to legal discussion from laymen who happen to possess a keen insight into affairs. (p. 138)*

I have given these two quotes because I myself fully agree with both of these observations. Unfortunately, some of our intellectuals are presenting a secularized interpretation of Iqbal's view about *Ijtihad*, the essence of which is quoted above. Foremost among them is Dr. Javid Iqbal, with whom I strongly disagree on this issue. (Cf., Iqbal, Dr. Javid., "The Problem of Implementing Iqbal's Ideas in Pakistan" in the Daily *Dawn*, Magazine Section, June 21, 1998).

Allama Iqbal had delivered his famous lectures in 1928. Eleven years later, in 1939, Maulana Sayyid Abul Ala Maududi gave a lecture in Lahore which was later published under the title *Islam ka Nazaria-e-Siyasi.* As far as theoretical exposition is concerned, I believe that Maulana Maududi was the greatest political scientist among the Muslims of our times. In his mentioned above booklet, Maulana Maududi has described two key terms in connection with Islamic political doctrine. The first is *theo-democracy* and the other is *popular vicegerency*.

By coining the term *theo-democracy*, Maulana Maududi has emphasized the point that the Islamic political system is neither a pure theocracy nor a full-fledged Western style democracy, but that it has elements of both. I would describe the concept of a *theo-democracy* by borrowing a similitude from a *hadith* of the Holy Prophet (SAW). According to a tradition reported by Abu Saeed Al-Khudri (RAA) and narrated by Imam Ahmad (RA), the Holy Prophet Muhammad (SAW) compared a believer with a horse that is bound to a peg with a rope. If we extend this similitude a little further, we can see that this can serve as an excellent way of describing the combination of freedom and restriction that is characteristic of a believer's life. Suppose you have a horse that you do not want to lose, then you must use a rope to restrain it; at the same time, you want the horse to run around a bit so that its muscles may not get weak by disuse. To prevent the horse from running away, you would secure it to a peg; but to make sure that it gets some exercise, you would use a rather long rope. If the rope is 100 meters long, for instance, the horse will be free within this circle of 100 meters radius. The horse can do whatever it wants within that circle, but it cannot go beyond the circle. Applying this similitude to the behavior that is required of us, we can see that although we are free within the limits of the *Shari'ah*, we cannot — under any circumstances whatsoever — transgress those limits, as these constitute *hudud Allah*, the limits set by the Creator Lord. The clear injunctions of the Qur'an and *Sunnah* constitute the *hudud Allah* which can neither be amended nor abrogated. No one has the authority to change these limits, not even the entire body of a legislative assembly!

The restriction of staying within the limits of the *Shari'ah* constitutes the *theo* element in the Islamic political system. There is no special or privileged class of priests or infallible religious divines in Islam. The inclusion of the word *theo*, therefore, does not imply the rule of any particular ecclesiastic class or group. Instead, it refers to the fact that, just like an individual Muslim, the Islamic State must remain within the limits of the *Shari'ah* and must not transgress the *hudud Allah.*

In the similitude described above, the area enclosed by the circle represents all that is lawful, permissible, and legitimate, what is called *mubah* in Islamic terminology. This circle of freedom deals with what the Holy Qur'an calls *amruhum* — "their affairs." According to the Qur'an, "…the conduct of their affairs is by mutual consultation…" (Al-Shura 42:38). Of course, no legislative assembly in an Islamic State can change in any way the injunctions of Qur'an and *Sunnah*, even by full consensus. The "mutual consultation," therefore, is meant only for those affairs in which the choice is between two or more lawful alternatives. In the Islamic scheme of things, if all the available options in a particular case are *mubah*, the matter should be decided by discussion, deliberation, and mutual consultation. In this regard, there is absolutely nothing wrong if the final decision is reached by a counting of votes. Under the System of *Khilafah*, all the higher values of democracy can be incorporated within the circle of the lawful or *mubah*. However, it should be clear that one of the basic principles of democracy that "sovereignty belongs to the people" is totally incompatible with the Islamic spirit, as it challenges the basic Islamic principle of "Divine Sovereignty" which necessitates the supremacy of the Qur'an and *Sunnah.*

The second term coined by Maulana Abul Ala Maududi to describe the political theory of Islam was that of *popular vicegerency*. He coined this term to delineate the fact that Islam rejects the idea of "popular sovereignty." Although this is a satisfactory term, I would suggest

an improvement to prevent any misunderstanding. In the Islamic political system, the *Khilafah* or vicegerency actually belongs to the Muslims rather than to all the citizens of a given nation-state irrespective of their beliefs. Instead of *popular vicegerency*, therefore, I use the term *collective vicegerency of the Muslims*.

### *Khilafah* — Essence & Form

The entire concept of *Khilafah* is based on the rejection or negation of human sovereignty. The Holy Qur'an repeatedly proclaims that absolute sovereignty belongs to Almighty Allah (SWT) alone. Since human beings cannot claim to be sovereigns, all they are left with, therefore, is vicegerency. Man is not sovereign in his own right, but he is the *khalifah* of Allah — the vicegerent of God. The Holy Qur'an describes the status of Adam (AS) in these words: "And (remember) when your Lord said to the angels: Verily, I am going to appoint a vicegerent in earth…" (*Al-Baqarah* 2:30).

The relationship between Divine Sovereignty and human vicegerency can be easily understood by means of the following example. Under the Colonial Raj in India, sovereignty belonged to the British King or Queen, but there was always a viceroy present in India whose duty it was to implement the orders that he would receive from His Majesty's or Her Majesty's Government. In matters concerning which there was no express order from the sovereign, however, the viceroy was free to evaluate the situation himself and, keeping the fundamental aims of his Government in mind, to take a decision using his best judgment. This is precisely the relationship between Divine Sovereignty and human vicegerency, with one significant difference. A viceroy was needed by the British sovereign because of the long distance that separated the ruler and the ruled. On the other hand, Almighty Allah (SWT) is Omnipresent and the limitations of time and space do not apply to His Exalted Being. However, the creatures and the Creator are separated by the veil of *ghaib*: we cannot see Him, neither are we able to communicate with Him directly. Since the Real Sovereign is hidden, a vicegerent is needed to implement His Orders and execute His Will on earth.

As far as the actual form of implementation is concerned, the following point should be noted. Before the institution of prophethood was concluded, the prophets of Allah (SWT) were His vicegerents in their individual capacities. In other words, by virtue of the fact that they used to receive direct revelation from Almighty Allah (SWT), all prophets were His representatives on earth; they were responsible for implementing His Orders and executing His Will. This implies that *Khilafah*, before the conclusion of prophethood, was strictly individual and personal, as it used to be the prerogative of a single person, i.e., the prophet, to implement and execute the orders of the Real Sovereign. Thus, Almighty Allah (SWT) has addressed Prophet Daud (AS) in these words: "O Daud! Verily, We have made you a vicegerent in the earth…." (Saad 38:26). Those who know the Arabic language will appreciate that the address here is in second person singular: Almighty Allah (SWT) is addressing *only* Prophet Daud (AS). It should also be appreciated that although Prophet Daud (AS) was a king, his rule actually had nothing to do with kingship or monarchy in the ordinary sense — *mulukiyyah* in Arabic — as he did not rule by his personal whims and desires but, in fact, executed the orders that he received from Almighty Allah (SWT), the Real Sovereign. Thus, Prophet Daud (AS) was a vicegerent of Almighty Allah (SWT) in his personal capacity. In contrast, the Egyptian Pharaohs used to claim the right of absolute sovereignty for themselves, and they did not recognize any Higher Authority whose orders they were supposed to obey and implement. Thus, the rule of Prophet Daud (AS) and that of a Pharaoh were diametrically opposed to each other, although apparently they were both kings!

With the advent of Prophet Muhammad (SAW), the institution of prophethood reached its highest echelon and also come to an end. Prophet Muhammad (SAW) was the last person who was the *Khlifah* of Almighty Allah (SWT) in his personal and individual capacity. The institution of *Khilafah* can no longer continue as an individual and personal affair after the

termination of prophethood, as no one can claim that he is receiving direct revelation from God. Thus, after the demise of the Holy Prophet (SAW), the institution of *Khilafah* must become the *collective affair* of the entire Muslim community rather than the *individual affair* of the prophet. Concerning this, Almighty Allah (SWT) says in the Qur'an: "Allah has promised those among you who believe and do righteous good deeds, that He will certainly grant them *Khilafah* in the land…" (*Al-Noor* 24:55). Note that the address here is in the third personal plural, which indicates that *Khilafah* is now for the collectivity of Muslims rather than for any single individual.

There is a very significant point towards which I want to draw your attention. We have just seen how, with the social and intellectual evolution of mankind, *Khilafah* or vicegerency had to be transformed from an individual responsibility to a collective one. Parallel with this development, the concept and form of human sovereignty has also undergone a crucial transformation. Before the advent of democracy, human sovereignty used to be an individual matter, i.e., a king or monarch would rule the masses according to his personal wishes; now, however, this too has become a collective affair. With the development of the concept of democracy, we now have *popular* sovereignty instead of *individual* sovereignty. But note that popular sovereignty is as hateful an evil as individual sovereignty, as both represent a state of rebellion against the Creator. Thus, one of Satan's advisers observes in Allama Iqbal's *Iblees ki Majils-e-Shura* (The Devil's Parliament):

*We have ourselves given kingship the garb of people's rule,*
*When we saw man becoming self-conscious and independent.*

The point to be noted here is that there is no essential difference between individual sovereignty or monarchy on the one hand and collective sovereignty or democracy on the other. Both are different manifestations of political *shirk*, both are Satanic in origin, both represent rebellion against God. It was the impact of the liberating teachings of Prophet Muhammad (SAW) in the form of the Just Social Order of Islam that caused common people to realize their rights, and raised their level of self-consciousness and self-respect. Realizing that man is becoming conscious of his status and capabilities and becoming more and more free from all kinds of bondage, Satan saw that it will no longer be possible to lure human beings into submitting before monarchs and autocrats. He, therefore, turned the "king's right to rule" into the "rule of the masses," hiding the filth of human sovereignty under the attractive veneer of democracy. Despite their differences, both democracy and monarchy are based on the assumption that human beings have the absolute right to rule, and this is clearly un-Islamic!

### *Khilafah* on the Pattern of Prophethood: *Implementation in Modern Times*

In this context, the following points should be noted:

**(A)** Two terms should be clearly distinguished from each other. *Khilafah Ala Minhaj Al-Nabuwwah* can be translated as the "System of Caliphate on the pattern of prophethood." This term is applicable both to the era of *Al-Khilafah Al-Rashidah* — the Rightly Guided Caliphate following the demise of the Holy Prophet (SAW) — as well as to the age of *Khilafah* that will make its appearance in the future. Although "Caliphate on the pattern of prophethood" will certainly be established in the world, in accordance with the prophecies of the Holy Prophet (SAW), the era of the "Rightly Guided Caliphate" will never be recreated. In other words, there is no possibility of establishing an exact replica of *Al-Khilafah Al-Rashidah* in modern times. I would substantiate this statement with the following four arguments:

*  The age of the Rightly Guided Caliphate was, in fact, an appendix or addendum of the age of prophethood itself. Since the institution of prophethood has come to an end, there can be no possibility of another Rightly Guided Caliphate.

*  The four Rightly Guided Caliphs of Islam were trained and educated by the Prophet (SAW) himself, who had purified the souls of his Companions (RAA) to the utmost degree. This feat of training and purification as achieved by the Holy Prophet (SAW) cannot be repeated by anyone, ever. Since we can never have such a high level of sincerity of intent, integrity of character, and inner purification that was the hallmark of the Companions (RAA), we cannot hope to re-create the kind of rule that was *Al-Khilafah Al-Rashidah*.

*  There was a clear-cut and unambiguous hierarchy among the Companions (RAA) of the Holy Prophet (SAW). It was well-known as to who were the *Ashra Mubashirah*, the People of Badr, the People of the *Baiy'ah Al-Ridwan*, and so on. This factor too will be absent in our times.

*  The society was basically tribal in character. This meant that instead of having adult franchise, it was sufficient to take the opinion of the elders of each clan before taking any important decision. This is no longer the case in our times.

Due to the four reasons given above, it is simply impossible to re-establish an exact replica of *Al-Khilafah Al-Rashidah* in modern times.

**(B)**  Since we cannot recreate as such the Islamic Order as it functioned during the age of the Rightly Guided Caliphate, we must adopt the following principle: we should take the principles and ideals from the model of the Prophet Muhammad (SAW) and the Rightly Guided Caliphs (RAA), and then incorporate these principles and ideals in the political institutions that have been developed in the contemporary civilized world as a result of the process of social evolution.

It should be noted that the concepts of political and economic rights of man, which are claimed to have been born and developed in the West, were actually derived and borrowed from the teachings of Prophet Muhammad (SAW). Thus, to say that all human beings are born equal, that every human being has certain inalienable rights (including the provision of basic necessities of life) concerning which there must not be any discrimination on the basis of gender, race, color, caste, or creed, and that all forms of exploitation — whether political or economic — must not be allowed to continue in a decent and humane society, is to express the basic tenets of an ideal Islamic State as given by Prophet Muhammad (SAW), as well as to describe the most remarkable features of the era of *Al-Khilafah Al-Rashidah*. Both the evolution of social thought and development of political institutions that took place in Europe after the decline of the Muslim *Ummah* have as their foundations the highest ideals of social justice that were given to mankind by the Holy Prophet (SAW) himself. The movements of Renaissance and Reformation appeared in Europe predominantly under the influence of German, French, and Italian scholars returning from Universities of Cordova, Toledo, and Granada in Muslim Spain, and carrying with them novel and revolutionary ideas. There is, therefore, nothing wrong in taking from the West what she has acquired by the application of principles originating from Islam itself. Just as we use the technological innovations that were developed by non-Muslim scientists, we should also make full use of the modern political institutions, in accordance with the spirit of Islam.

**(C)** As far as the details of the workings of state and government is concerned, there is no definite and binding framework provided to us by the Qur'an and *Sunnah.* As a matter of fact, all the various forms of government that are in vogue today are essentially permissible in Islam. From an Islamic point of view, it does not make any difference if the government is unitary, confederal, or federal, and whether it is presidential or parliamentary, etc. However, we do

need to recognize that the system of the *Al-Khilafah Al-Rashidah* was a unitary system and closer in spirit to the modern presidential form of government as compared to the parliamentary form. We also need to realize that this is not binding for us. In this regard, the form of government that has been developed in the United States of America represents the highest stage of political evolution, and we can certainly learn a lot from this system. The American form of government is presidential and federal, with maximum autonomy to the states and maximum decentralization of authority. As far as Pakistan is concerned, we believe that the best option is a federal and presidential form of government. At the same time, the decentralization of authority and maximum autonomy of the federating units is a very important requirement of the modern spirit that must not be ignored.

It is important to emphasize the point that there is no definite form or structure of government in Islam. All we have been provided with are certain basic principles and ideals that we must uphold and implement, although the exact manner of their implementation may vary according to the changing social and political conditions. In this context, we believe that there are three basic principles that, if incorporated in any form of government, will lead to the establishment of the System of *Khilafah*. These three principles are as follows:

(1) Sovereignty belongs to Almighty Allah (SWT) alone;

(2) No legislation can be done at any level that is totally or partially repugnant to Qur'an and *Sunnah*; and

(3) Full citizenship of the state is for the Muslims only, while non-Muslims are a protected minority.

If these three principles are incorporated in their true spirit in any form of government, it will become an Islamic State or embodiment of the System of *Khilafah*, irrespective of the specific details of governance.

### Legislation under the System of *Khilafah*

There is a widespread misconception that there will be no need for legislation in the System of *Khilafah*. There are people who believe that all that is required today is simply the implementation of the Hanafi *fiqh* in Pakistan, just as the majority *fiqh* is being implemented in Iran and in Afghanistan. This is not true at all. As a matter of fact, most things are permissible in Islam, and the circle of the forbidden or *haram* is extremely narrow. Consequently, there is a vast scope for law-making in a modern Islamic State, the only restriction is that no legislation can be done and no decision can be taken at any level that is totally or partially repugnant to Qur'an and *Sunnah*. As pointed out by Allama Iqbal, law-making must be done through the Parliament so that the viewpoint of the laymen is also included, as they are often better aware of the actual problems faced by the masses and of the facts on the ground, as compared to the scholars and experts of the Islamic law who may become too involved in the technicalities and alienated from hard facts.

There is a question of central importance that must be addressed here. What would happen if the Parliament makes a law and someone feels that it transgresses the boundaries set by the *Shari'ah*? Who will settle the dispute? I quote here a very important *ayah* from the Qur'an: "O You who believe! Obey Allah and obey the Messenger, and those who are in authority from amongst you. If you differ in anything, refer it to Allah and His Messenger, if you believe in Allah and in the Last Day. That is better and more suitable for final determination." (*Al-Nisa* 4:59). By using the imperative *ati'u* (obey!) in connection with Allah (SWT) and His Messenger (SAW) but not with *ulul amr*, Almighty Allah (SWT) has indicated that the Holy Qur'an and *Sunnah* of Prophet Muhammad (SAW) are absolute and permanent sources of law, whereas

obedience to the rulers is not absolute but must be limited by the injunctions of Qur'an and *Sunnah*. This *ayah* goes on to explain that if there is a disagreement as to whether or not the rulers are acting within the limits of the *Shari'ah*, the matter must be referred back to the absolute sources of law, Qur'an and *Sunnah*. There is an obvious vacuum in this *ayah*, as it does not clarify as to *who* will settle such a dispute. Once again, we need to take advantage of the political institutions that have developed as a result of human social evolution. If it is settled in the Constitution that no law can be made that is totally or partially repugnant to Qur'an and *Sunnah*, then the Parliament — made up largely of laymen — will be forced to seek the expertise of Islamic scholars so as to avoid any violation of the Constitution. This does not, however, eliminate the possibility of a dispute or disagreement, and a citizen may still claim that the Parliament is transgressing the *Shari'ah* in any particular instance. Since the Judiciary is the custodian of the Constitution, any dispute as to whether a particular law is within the limits set by the injunctions of the Qur'an and *Sunnah* or whether it violates those limits can be referred to the Supreme Court, which can declare it as invalid in the latter case, forcing the legislative assembly to amend or make an alternate law. Since the question of repugnance to Qur'an and *Sunnah* is a technical one, it can only be settled in a court where experts from all fields, especially Islamic law, can be called and their arguments can be considered dispassionately. It should also be noted here that when a matter is to be decided in the Court, only the Holy Qur'an and *Sunnah* of the Holy Prophet (SAW) would be used as the bases of argument and discussion; the opinions of all the various schools of Islamic jurisprudence (*fiqh*) may be used as precedents but they cannot serve as absolute sources of law.

Let me mention here a very misguided and totally fallacious opinion that is found in some modernist circles. Some of our modernist intellectuals have argued that the particular and specific injunctions of the Holy Qur'an are not binding on us in a permanent sense, and all we need from the Qur'an are its principles and its general spirit. I strongly reject this argument and believe it to be totally wrong. I have mentioned this only because there is a passage in Allama Iqbal's *Reconstruction of Religious Thought in Islam* that can be interpreted as supporting this view. It is known that Iqbal was not fully satisfied with what he wrote in *Reconstruction* about this issue, as amply proved by his correspondence with Allama Sayyid Suleman Nadwi, even after he delivered the lectures in 1928. However, the actual reason behind Iqbal's misunderstanding of this issue has come to light only recently, thanks to the painstaking research by Muhammad Suheyl Umar, Director Iqbal Academy. He has conclusively shown in one of his papers that it was Allama Shibli Numani who quoted some passages from Shah Waliyullah in a somewhat distorted manner, which led to a gross misrepresentation of the latter's true intent. Allama Iqbal, instead of reading the original writings of Shah Waliyullah, relied on the quotations given by Shibli Naumani and was thus misled. (Cf., Muhammad Suheyl Umar., *Khutbat-e-Iqbal — Nai Tanazur Main*, published by Iqbal Academy, Lahore)

Here I would like to make some comments on the issue of *Ijtihad*. Firstly, as far as the right to do *Ijtihad* is concerned, it should be understood that no restriction can be placed in this regard. Every Muslim, who claims that he has the necessary capacity and skill, can do *Ijtihad* and express his opinions. Secondly, even though no one can be barred from doing *Ijtihad*, there is a definite standard of knowledge and expertise that is required for properly carrying out this great endeavor. For the purpose of *Ijtihad*, the scholar must be well-versed in the traditional Islamic sciences like Arabic language, *tafseer*, *hadith*, *fiqh*, and so on, and he must also be familiar with modern social thought and the problems and issues of the contemporary world. Thirdly, the real issue with respect to *Ijtihad* concerns the implementing authority. Anyone can do *Ijtihad* and present his opinion along with the arguments to support it, but not everyone can implement his view by making it a law. This point requires further elaboration.

During the age of the Rightly Guided Caliphate, the *Khalifah* was not only the ruler but he was also a *mujtahid*, having full capability to do *Ijtihad* as well as the authority to implement it. This was a unique feature of *Al-Khilafah Al-Rashidah* that we cannot have in our times. But

later, during the age of monarchy or *mulukiyyah*, especially during the reign of Banu Abbas, the situation had changed. Now the rulers had the authority to implement, but they lacked the capacity to do *Ijtihad* which had by then become the specialization of the scholars of Islamic law, or *fuqaha*. In this connection, we find that two of our great scholars — Imam Abu Hanifa and Imam Malik — were offered the post of Chief Justice but they both refused to accept it. Had they accepted the offer, their respective opinions and verdicts would have acquired the status of law. However, both of them considered this to be unacceptable and inappropriate. (It may be noted that Qazi Abu Yusuf, a brilliant student of Imam Abu Hanifa, was also offered the same post and he accepted.)

A very prominent example of the dichotomy between political authority and the ability to do *Ijtihad* can be cited from the age of the Mughal rule in India. It is well-known that Aurangzeb Alamagir had constituted a committee of the scholars of *fiqh* who complied their verdicts according to the Hanafi *fiqh*. This compilation is called *Fatawa-e-Alamgiri*, after the name of the King who assigned to these verdicts the force of law. This arrangement was needed because the King lacked the ability to do *Ijtihad*, and the Ulama had no authority to implement their verdicts.

Thus, it is clear that during the age of monarchy it was the King who held the power to make laws, and he would do so by implementing the verdicts and opinions of his favorite and trusted scholars of *fiqh*. Now consider this question: In our times, who has the authority to make laws? The Parliament, of course! Since anyone can express his opinion, it is possible that ten scholars of *fiqh* would give ten different verdicts regarding a certain issue. However, only one opinion can acquire the force of law. So we are faced with the question: Whose opinion is to be implemented? The answer is that when the Parliament accepts a certain *Ijtihad*, then that particular opinion will acquire the force of law. The is because the legislating authority is the Parliament, and not individual *fuqaha*. This is what was meant by Allama Iqbal when he approved the "transfer of the power of *Ijtihad* from individual representatives of schools to a Muslim legislative assembly." It does not mean that the Parliament can make any law and it would be accepted as Islamic just because it was made by a Muslim Parliament. In an Islamic State, the Parliament is not an absolute sovereign but is subject to the injunctions of the Qur'an and *Sunnah* which it cannot violate. The Parliament consists of the representatives of the people, the majority of which is likely to be laymen rather than experts in Islamic law. As such, the Parliament may not do *Ijtihad* itself, but it will have the authority to decide as to which particular *Ijtihad* should be made a law and implemented in the country. However, as we have already made clear, if there is a dispute as to whether the Parliament has transgressed the boundaries set by the Qur'an and *Sunnah* while making a law, then this issue will be referred to the Supreme Court where all the concerned experts can give their opinions and where the technical aspects of the matter can be carefully examined and adjudicated. In case of a dispute, therefore, the question of repugnance to the Qur'an and *Sunnah* will be decided only by the Judiciary and not by the Parliament.

### *Some Related Issues*

The first question that I want to discuss here is whether the political system in the future Islamic State will be a multi-party system or a single-party one? Many of us believe that it will be a single-party system because discord and difference of opinion are not permissible in Islam. I believe this view is based on naiveté and a lack of knowledge. Multi-party system is an indispensable part of the modern state, and their manifestoes are important means of political education of the masses. Therefore, a modern Islamic State will function under a multi-party system, the only difference is that all political parties will be subject to the same principle which the Parliament has to observe. That is to say, no political party will be allowed to include in its manifesto any item that is repugnant to the Qur'an and *Sunnah*, and the manifesto of any party can be challenged in the Court on this basis. Moreover, after a political party receives the

people's mandate and goes into the Parliament, its individual members must not be subject to the "party whip." If a member of the Parliament develops a disagreement with something contained in the manifesto of his party, then he must resign from his seat and seek re-election, because he is now disagreeing with the basic document on the basis of which he was elected. Short of that, however, a member of the Parliament should vote on a particular issue on the basis of his personal judgment and should have total freedom to express his opinion, even if it differs from that of his party.

The second issue concerns the status of non-Muslims in an Islamic State. The basic principle in this regard, even though it is unpalatable for the secular mind, is that only the Muslims are full citizens under the System of *Khilafah*. Non-Muslims are a protected minority and they do not enjoy full citizenship. Non-Muslims will have the same rights as the Muslims concerning the protection of their lives, property, and honor; they will be allowed to propagate their religion (but only within their own communities); they will be able to compete with Muslims in the job market; the Islamic State will be responsible for safeguarding their places of worship. Despite these rights, however, there are certain matters in which non-Muslims are not treated at par with Muslims. In an Islamic State, non-Muslims cannot take part in the highest level of policy making, neither can they participate in the process of legislation. The topmost priority of an Islamic State, whenever it is established, will be to extend the Islamic Order to other countries. Since non-Muslims do not share this vision with Muslims, they cannot be entrusted to devise, plan, and execute this policy. Similarly, the legislation in an Islamic State will have to be done within the framework of the Qur'an and *Sunnah*, and those who believe neither in the Qur'an nor in the *Sunnah* cannot be entrusted to make such laws.

### ***Khilafah* in Pakistani Perspective**

Here the following points are noteworthy:

**(A)** With the adoption of the Objectives Resolution on March 12, 1949, it was acknowledged in principle that sovereignty belongs to Allah (SWT), and the authority delegated to us by the Real Sovereign is to be used within the limits of the Qur'an and *Sunnah*. The opening words of the Resolution are: "Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan *within the limits prescribed by Him* is a sacred trust…" (italics added). This, in principle, is the essence of the System of *Khilafah*. Despite the adoption of this Resolution, however, Islam was not implemented in any concrete manner. The late President Gen. Muhammad Zia ul Haq had made the Objectives Resolution an operative part of the Constitution as article 2-A, but the Supreme Court through its decision dated January 14, 1992, refused to give any special status to this article. In order to make the Objectives Resolution truly operative, it should be specified in article 2-A that this provision shall take precedence over the entire Constitution, notwithstanding anything else contained in the latter. To remove the possibility of any further ambiguity, the following words should be added: "The injunctions of Islam as laid down in Qur'an and *Sunnah* shall be the Supreme Law of Pakistan."

**(B)** In addition to the Objectives Resolution, we have the imperative to limit all legislation within the bounds set by the Qur'an and *Sunnah* in article 227 (1) of the Constitution, according to which, "All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur'an and *Sunnah*, and no law shall be enacted which is repugnant to such injunctions." However, the circuitous route provided for the implementation of this article — through the Council of Islamic Ideology that has absolutely no implementing authority whatsoever — has made this imperative practically ineffective and unproductive. In order to expedite the process of Islamization, therefore, the wordings of article 227 (1) should be incorporated as article 2-B of the Constitution. Since there is no need for the Council of Islamic

Ideology after the establishment of the Federal Shariat Court, the article 227 (2) should be deleted.

**(C)** The establishment of the Federal Shariat Court was a step in the right direction. However, the various restrictions placed on its working have rendered it largely ineffective vis-à-vis the Islamization of laws in Pakistan. As a matter of principle, absolutely nothing should be beyond the rule of the Qur'an and *Sunnah*. If we are to have the supremacy of the injunctions of Islam as contained in the Qur'an and *Sunnah*, then this supremacy must be absolute and without any exceptions. Therefore, all restrictions imposed on the Federal Shariat Court should be removed, whether these concern the Constitution, Muslim Personal Law, any law relating to the procedure of any Court or Tribunal, or any law relating to fiscal and banking practices and procedures. At the same time, the number of Ulama Judges in the Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court should be significantly increased, and the status and terms of appointment of these Judges should be made at par with those of the Judges of High Court and Supreme Court, so as to enable them to work without any pressure.

I believe that if the amendments mentioned above are made in the Pakistani Constitution, and at the same time *riba* is eliminated from the economy, then this will constitute a "soft revolution," as pointed out by Gen. (Rt.) Hameed Gul. Through the cooperative effort of the Federal Shariat Court and the Parliament, un-Islamic laws will be gradually replaced with those that do not transgress the *Shari'ah*, and in this way Islamization will be achieved in a gradual manner without any legal vacuum or crisis.

**(D)** It should be made clear in the Constitution that no political party can include anything in its manifesto that is repugnant to the Qur'an and *Sunnah*, as mentioned above. Party manifestoes could be challenged in the Federal Shariat Court if a citizen feels otherwise, and the Court will then decide the dispute.

**(E)** The President will now be called *Khalifah Al-Muslimeen*, and he will be the *Khalifah* of the Muslims belonging to a particular country. He will not be the *Khalifah* of Allah, or the vicegerent of God in his individual capacity, rather he will be the vicegerent of the Muslims whom he will represent. Since an Islamic State is based on the *collective vicegerency of the Muslims*, and since the Muslims will delegate this right to one man through electing him as their ruler, the latter will become *their* vicegerent. The *Khalifah* must be a Muslim male, not less than 40 years old (as this is the age of maturity according to the Qur'an), and he would have to pass a very thorough and strict screening process before he can run for this office. Every Muslim man or woman will have the right to vote, and in this respect all Muslims will be treated equally irrespective of whether or not they are practicing Muslims.

**(F)** Ideally, as mentioned above, non-Muslims should not be allowed to take part in the highest level of policy making and legislation in an Islamic State. In a country where non-Muslims are in a significant number, giving them the right of joint electorate would mean that they would be able to influence the election results and therefore the policy making and legislative process. Instead, separate consultative bodies for various communities of non-Muslims can be formed that will advice the Parliament regarding minority affairs.

Having said that, however, it should be noted that non-Muslims constitute a very small and therefore insignificant minority in Pakistani. Under these conditions, even if they are given the right of joint electorate, they would not be able to influence the legislative process in any significant measure because of their small number. Under these conditions, I believe that there will be no harm in giving the Pakistani non-Muslims the right of joint electorate on the basis of *Meethaq* of Madinah, provided it is laid down in the Constitution that no legislation can be done repugnant to Qur'an and *Sunnah*.

**Methodology to Establish the System of *Khilafah***

There is only one surefire and reliable method for the establishment of *Khilafah*, namely, one that is derived from the *Seerah* of the Holy Prophet Muhammad (SAW). According to Imam Malik (RA), the latter part of this *Ummah* will not be reformed except by the same methodology through which its early part was reformed. In a tradition reported by Nauman Ibn Bashir (RAA), the Holy Prophet Muhammad (SAW) has described five phases from his times up to the Doomsday. These include the period of prophethood, followed by the age of *Khilafah* on the pattern of prophethood, then the reign of oppressive monarchy, the period of enslavement, and finally once again *Khilafah* on the pattern of prophethood. According to this tradition, the initial part of the history of Muslim *Ummah* was characterized by *Khilafah* on the pattern of prophethood, and its last part will also be one of *Khilafah* on the pattern of prophethood. There are other traditions that describe the establishment of the ascendancy and supremacy of Islam all over the globe before the end of the world. Prophet Muhammad (SAW) had established the domination of Islam in the Arabian peninsula by employing a specific methodology, and if that feat is to be achieved once again then we must resort to the same methodology.

In the entire Muslim world, Pakistan is the most ideal country where a modern Islamic State can be established and true *Khilafah* revived, which can serve as a model for the whole world. It may be noted here that the spiritual and intellectual center of the Muslim *Ummah* has shifted from the Arab world to the Indo-Pak subcontinent at the beginning of the second millennium of the *Hijrah* Calendar. This shift has been noted by two great intellectuals of the 20th century, Dr. Ali Shariati and Malek Bennabi. The revivalist efforts in the Indo-Pak subcontinent made during the last 400 years insinuate that Pakistan has a special and pivotal position in the Divine scheme for the ascendancy and revival of Islam. I also believe that, through the interplay of the forces of history, humanity itself is at last moving towards the most balanced system of politico-socio-economic justice as enunciated by Islam. This movement of history in the direction of Islam is slow but inexorable, and will ultimately culminate in the global domination of Islam.

The struggle and effort to establish the ascendancy of Islam is obligatory upon each one of us. An Islamic Revolution cannot happen unless first of all a significant number of individuals change themselves, establish Islam in their personal and family lives, purge their social and financial practices of everything that is *haram*, and then unite in the form of a disciplined party under a single leader. A strong party of dedicated and sincere Muslims is needed so that a genuine and positive change can be brought about in Pakistan by means of a peaceful and non-violent mass movement. However, the details of the methodology for bringing about an Islamic Revolution and establishing the System of *Khilafah* are outside the scope of the present article.

The global domination of Islam is bound to come. The question for us is whether we achieve success and salvation in the Hereafter by participating in this struggle, or whether we remain idle and indifferent and earn Divine Wrath! This choice has to be made by everyone of us.

# Appendix

**Proposed Amendments in the Present Constitution of the Islamic Republic of Pakistan in order to make it "effectively" Islamic through National Assembly:**
*Amendment Bill No: 18 of 2005.*

**N.A. BILL NO. 18 OF 2005**

A Bill further to amend the constitution of Islamic Republic of Pakistan.

**Whereas Islam has been declared to be the State Religion of Pakistan and it is obligatory for all Muslims to regulate and order their lives in accordance with the injunctions of the Holy Qur'an and Sunnah.**

**And Whereas** in order to achieve the aforesaid objective and goal, it is expedient further to amend the Constitution of Islamic Republic of Pakistan, 1973 (hereinafter referred to as the Constitution). Now therefore, it is hereby enacted as following:-

1. **Short Title and Commencement:-**

   **(1)** This act may be called the Constitution (Eighteenth Amendment) Act, 2005.

   **(2)** It shall come into force at once.

2. **Addition of the following words in Article 2-A :-** It
will take precedence over all the provisions of the CONSTITUTION.

3. **Addition of New Article 2B in the Constitution:-**

   After Article 2A, the following new Article 2B shall be added in the Constitution, namely:-

   "2(B) (1) All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur'an and Sunnah and no Law shall be enacted which is repugnant to such injunctions.

   (2) Nothing contained in any Article of the Constitution shall affect the personal law, religious freedom and customs of non-Muslims.

   (3) The provisions of this Article shall have effect and shall be operative and self executory."

4. **Article 227 of the Constitution with Explanation and clauses (2) and (3) shall be omitted.**

5. **Amendment of Article 203-B:-** In the Constitution in clause "C" of the Article 203-B, after the words "force of law" all the words up to the last word "and" shall be substituted by the following, namely:-

   "shall include the Constitution, Muslim personal law and also any law relating to the procedure of any court or tribunal and any fiscal law or any law relating to the levy and collection of taxes and fee or banking insurance practice and procedure."

6. **Amendment of Article 203-C**:- In the Constitution after clause (3A) of Article 203-C, the following clause (3B) shall be added, namely.-

   "(3B) The Ulema judges shall be entitled to the same remuneration, allowances pension and privileges as are admissible to a permanent judge of a High Court."

7. **Amendments of Article 203-F :-**

   **Amendment No. 1 :-** In the Constitution, in Article 203-F, sub-clause (b) of clause (3) shall be substituted by the following, namely :-

   "Two Ulema shall be appointed by the President as permanent Judges of the Supreme Court from amongst the Ulema judges of the Federal Shariah Court or from out of panel of Ulema to be drawn up by the President in consultation with the Chief Justice. The Ulema judges shall be entitled to the

same remuneration, allowances pension and privileges as are admissible to a judge of the Supreme Court."

**Amendment No. 2 :-** In the Constitution, in Article 203-F sub-clause (4) and sub-clause (6) shall be omitted.

8. **In the Constitution Article 230 and Article 231 shall be omitted.**

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